

## CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Nelson Creek Prospecting ProjectProponent: Nelson Creek Coal, LLC

Type and Purpose of Action: The proponent is proposing to conduct drilling to collect coal and overburden information and to possibly collect such information from holes already drilled in the Nelson Creek area. The drilling would/does consist of 36 holes on each of 36 drilling sites. This EA is based upon data submitted for the area and on several site inspections by various DEQ staff.

Location: Sections 5 and 6, T19N, R45E; Sections 24, 25, and 36, T20N, R44E; and Sections 19, 20, 29, 30, 31, and 32, T20N, R45E

County: McCone

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactable or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?	[N] No fragile soils or unusual geologic formations are present on any of the sites. Cross-country access would be minimal and restricted to good weather conditions, to avoid rutting. Area is gently hilly mixed-shrub grassland. No significant exposures of Fort Union sandstone, the underlying strata.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[N] Standard completion/abandonment of drill holes would minimize degradation or contamination of groundwater. One potential stream crossing (Nelson Creek) would be encountered on access routes, and activities would be restricted to good weather and trail conditions, to minimize erosion. The drilling company would use portable mud pits, and prevent cuttings from escaping into coulees.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] Limited amounts of diesel/gas emissions would occur during the drilling operation and transportation to and from the site.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are	[Y] Only a small area of surface disturbance would be associated with each drill hole. These sites would be seeded with the approved seed mix and revegetated in a relatively short time period. Native seed from adjacent vegetation would also add to vegetation diversity over

any rare plants or cover types present?	time.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The plans were developed in consultation with Montana Fish, Wildlife and Parks (FWP), and included an NRIS search. No critical habitats were identified. The restricted nature of the disturbance would minimize the potential impact on the wildlife community inhabiting the area. No visible raptor nesting sites were observed in nearby areas. Additionally, the initial drilling activity would be conducted outside the normal raptor nesting period.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] See above. The only possible wetlands in the area might be found in the Nelson Creek drainage, outside the area of impact from access or drilling.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] The area has been inventoried for cultural resources by professional archeologists, working in conjunction with a Fort Peck tribal monitor. The resulting site map (Appendix C, in the permit application) was used to identify and avoid archeological, historic, and cultural resource sites within the project area. Incidental discoveries during operations would be reported to the Department and protected from disturbance.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N]
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N] Primary current use of the land is as grazing land with associated use by wildlife. Incidental, transient impact of drilling and access would not interfere with resources or use.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other studies, plans or	[N]

projects on this tract?	
IMPACTS ON THE HUMAN POPULATION	
RESOURCE	[Y/N]POTENTIAL IMPACTS AND MITIGATION MEASURES
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] Drilling activities will employ accepted safety standards and procedures.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] A minimal amount of forage would be temporarily lost to livestock and wildlife.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so estimated number	[N]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?	[N]
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]

17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] There is limited potential for hunting, hiking and other recreation, which all require landowner permission.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N]
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

## 22. Alternatives Considered:

No action. Acceptance of this alternative would result in the denial of the prospecting permit. This would in turn result in the company not obtaining needed information regarding the coal resource.

23. Regulatory Impact on Private Property: The analysis done in response to the Private Property Assessment Act indicates no impact. The Department does not plan to deny the application or impose conditions that would restrict the use of private property so as to constitute a taking.

24. Public Involvement, Agencies, Groups or Individuals contacted: Notification of this application was sent to The McCone County Commissioners, McCone County Weed Supervisor, Lower Missouri Conservation District, USDI BLM, USDI FWS, Air Resources Management and Water Protection Bureaus (MTDEQ), USDA NRCS, Montana State Historic Preservation Office (SHPO), McCone County Planner, US EPA, Montana FWP, Montana Association of Counties, and Northern Plains Resource Council. Montana FWP, NRIS and the Montana SHPO were contacted for information on possible sensitive species and habitat, and possible cultural resource studies or sites.

25. Other Governmental Agencies with Jurisdiction, List of Permits Needed: Montana Department of Natural Resources and Conservation (DNRC) for state coal (only) under Section 36, T20N, R44E. The DEQ prospecting permit would include a stipulation that the operator will not be allowed to drill into coal in Section 36 until the necessary DNRC license is obtained.

26. Magnitude and Significance of Potential Impacts: Minimal, insignificant and transient impacts.

Recommendation for Further Environmental Analysis:

☐ EIS    ☐ More Detailed EA    ☒ No Further Analysis

EA Checklist Prepared By: Robert Bohman Reclamation Specialist  
Name Title

Reviewed and Approved By: Neil Harrington Bureau Chief  
Name Title

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Signature

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Date